

*AW*  
*AUSK*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8924

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Esteban RUIZ,

Defendant.

MAGISTRATE CASE NO.:

COMPLAINT FOR VIOLATION OF

Title 18, U.S.C., Sections 111 & 1114  
Assault on a Federal  
Officer (Felony)

The undersigned complainant, being duly sworn, states:

That on or about November 11, 2007, within the Southern District of California, defendant Juan Esteban RUIZ did willfully and forcibly assault, resist, oppose, impede or interfere with a person named in Title 18, United States Code, Section 1114, to wit, U. S. Customs & Border Protection, Supervisory U. S. Border Patrol Agent Marc Battaglini, was engaged in the performance of his official duties; in violation of Title 18, United States code, Sections 111.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

*Ronald T. Ribail*  
RONALD T. RIBAIL  
Special Agent  
Federal Bureau of Investigation

SWORN TO ME AND SUBSCRIBED IN MY PRESENCE THIS 13<sup>TH</sup> DAY OF  
NOVEMBER, 2007.

*Peter C. Lewis*  
PETER C. LEWIS  
U. S. Magistrate Judge

1 UNITED STATES OF AMERICA

v.

2 Juan Esteban RUIZ

3 STATEMENT OF FACTS

4 I, Special Agent Ronald T. Ribail, declare under penalty perjury, the following is true  
5 and correct:

6 This statements if based on the upon my review of reports prepared by federal agents  
7 and my own interview of witnesses. On or about November 11, 2007, Juan Esteban RUIZ,  
8 was detained by United States Border Patrol (USBP) at the West Calexico, California, Port of  
9 Entry, for assault on a federal officer. RUIZ was part of a No Borders Camp protest at the  
10 aforementioned location.

11 Supervisory U. S. Border Patrol Agent Marc Battaglini responded to a report by U. S.  
12 Border Patrol agents that a large group of individuals were acting in a threatening manner at  
13 the West Calexico Port of Entry. Agent Battaglini was wearing a USBP issued rough duty  
14 uniform. Upon arrival, Agent Battaglini witnessed USBP agents lined up against the  
15 International Border Fence between the No Borders Camp protesters on the north side and  
16 protesters on the south side. Several individuals on the south side fence were punching holes  
17 through the fence with metal bars and attempting to strike USBP agents. Agent Battaglini  
18 reported that the individuals were also spitting through the fence and throwing objects. The  
19 individuals north of USBP agents were acting in a threatening manner towards agents.

20 As Agent Battaglini was standing by the fence, an individual carrying and beating a  
21 drum, later identified as Jose Esteban RUIZ, slammed into his right shoulder and knocked him  
22 off balance. A moment later, RUIZ slammed into Agent Battaglini a second time at which point  
23 Agent Battaglini attempted to effect an arrest. RUIZ attempted to resist the arrest but was  
24 eventually subdued, handcuffed and transported to the USBP Calexico station.

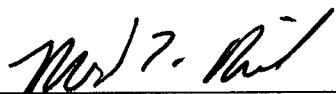
25 RUIZ was advised of his rights per Miranda. RUIZ stated he understood his rights and  
26 was willing to answer questions without the presence of an attorney. RUIZ stated he was  
27 attending the No Borders Camp rally near the United States Border Fence. During the rally,  
28

1 USBP attempted to gain control of the crowd. RUIZ was dancing around playing a drum.  
2 RUIZ became "caught up in the moment" and decided to intentionally dance near USBP  
3 agents that had formed a line near the fence. RUIZ stated he did this to further protest the  
4 border. One agent was slightly ahead of the other agents. RUIZ stated he "bumped into the  
5 agent". The next thing RUIZ knew, he was thrown to the ground. After being thrown to the  
6 ground he instinctively kept his hands near his body. RUIZ was eventually handcuffed and  
7 detained by USBP.

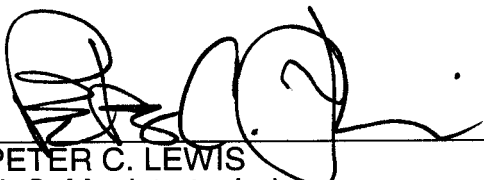
8 USBP video surveillance captured an individual that appears to be RUIZ. The video  
9 depicts the individual playing a drum and dancing in the crowd. The video captured the  
10 individual make physical contact with a USBP agent on two occasions. After the second  
11 contact the individual is taken to the ground and handcuffed by multiple USBP agents.

12 The No Borders Camp website provides video coverage presumably shot by a protester  
13 at the rally. The video contains footage of RUIZ dancing in the crowd. It appears that Agent  
14 BATTAGLINI makes a statement to RUIZ. RUIZ makes physical contact with BATTAGLINI.  
15 RUIZ is then taken to the ground and detained.

16 I swear the foregoing is true and correct to the best of my knowledge and belief.  
17

18   
19 \_\_\_\_\_  
20 RONALD T. RIBAIL  
21 Special Agent  
22 Federal Bureau of Investigation

23 SWORN TO ME AND SUBSCRIBED IN MY PRESENCE THIS 13<sup>TH</sup> DAY OF  
24 NOVEMBER, 2007.

25   
26 \_\_\_\_\_  
27 PETER C. LEWIS  
28 U. S. Magistrate Judge